IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.672 OF 2007
Along with
Civil Application no.1216 of 2007

Kashish Park Realty Pvt Ltd .. Appellant.
Vs
Mahadeo Sukdev Ghadge, .. Respondent

Mr A.S.Rao, for the appellant.
None for the respondent.

CORAM : D.B.BHOSALE,J.

DATED : 12th September, 2007

P.C.:

1. Heard learned counsel for the appellant.

2. This second appeal is directed against the judgments of the courts below, by which a suit filed by the respondent-plaintiff for specific performance of an agreement dated 7.7.1991 stands decreed. Mr Rao, learned counsel for the appellant-defendant, submitted that the agreement was terminated by the defendants after following due procedure and the amount that was paid by the plaintiff was also refunded and it was accepted by him. He did not advance any other submission. Similar contentions were urged before both the courts below and the courts below after having considered the entire evidence on record have recorded a categoric finding that the termination of the agreement for sale in question was illegal. I perused

the judgments and the reasons recorded therein which, according to me, are based on the evidence on record. I find no reason to interfere with the concurrent findings of fact recorded by the courts below. No substantial question was either raised or involved in the appeal. Hence, the second appeal is dismissed. As a consequence thereof, the civil application is disposed of.

(D.B.BHOSALE,J.)